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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,708	12/15/2005	George Marmaropoulos	US030208US2	9347
24737 7590 11/02/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER LUEBKE, RENEE S	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 11/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,708

Applicant(s)

MARMAROPOULOS & VU &
PULFORD

Examiner

Renee S. Luebke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/7/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. The specification and drawings remain objected to as they do not clearly describe or show the securing mechanism 55. The specification and claim 13 suggest that there is a securing mechanism 55 for holding a cavity closed. However, no detail or explanation of the structure or nature of this mechanism is shown or discussed. Although "55" is found in Figs. 5 and 7, the "member" it indicates does not appear to be the same. Further, neither the drawings nor the specification suggest what this member is, how it is formed, or how it secures the cavity. It is not known how one could make the mechanism that is merely suggested by the original (or present) application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 13 remains rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As noted above, claim 13 is not supported by proper disclosure. It is unclear how the cavity is held closed, or what structure is intended to perform this function.

4. Claims 1-6, 8, 10-12 and 14-19 remain rejected under 35 U.S.C. 102(b) as being anticipated by Post, et al. This pressure activated interface comprises a textile construction (column 6, lines 58-64) with cavities 322 and contact areas 302, 304, 306, 312, 314, 316 in the cavities. The contact areas are biased apart by the soft fabric 320 which is overcome by pressing, to operate the switch. Contrary to applicant's suggestion, these cavities are what form the collapsible cavities and meet the claimed limitation in this regard. Applicant's assertion that the collapsible cavities of Post cannot be squeezed with two fingers is seen to be moot because this argument is not supported by claim limitations (and is seen to be met by Post, anyway). Further, the leads from the

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contact areas to the operating system are in the fabric 310. Therefore, contrary to applicant's assertions, the contact areas 316, etc. (which are on top of the fabric 310) are elevated relative to the leads. Finally, the examiner does not understand how applicant can suggest that the contacts are not within the cavities 322, while acknowledging that the cavities are formed by voids in the separating panel 320 (that is on the fabric 310) and the contact areas are also on the fabric 310 and aligned with the voids. Clearly, the contact areas are inside the cavities, as claimed. Although applicant's device may look different from that of Post, applicant has not pointed to any claim limitations that are not met by the device of Post.

In regard to claim 15, applicant suggests that the cavities of Post are not raised to permit mechanical interaction. However, as noted above, the cavities are raised. Such raising allows pressure on the cavities (mechanical interaction) that actuates the switching, thereby meeting the claim limitations.

In regard to claim 18, the device of Post comprises textile construction with cavities 322 (which are raised from the surface as noted above). It is noted that any location where the matrix ends is seen to be "an edge or perimeter" whereby the structure inherently meets the claim. Applicant's arguments are not commensurate with the scope of the claims. It is noted that the flexible interface (both applicant's and that of Post) has many surfaces, any of which may have the cavities "raised from" as claimed, since the surface is not further defined. Similarly, the edges or perimeter of the interface may be selected from a variety of structures since it too is not further defined.

5. Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to show or teach a pressure activated interface arranged as claimed and

including fiber or material that has been plasticized to provide rigidity (claim 7) or a plastic support element (claim 9), to form a cavity.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. It is suggested that responses to this final action be faxed to:
(571) 273-8300

Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

Alternatively, responses may be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (571) 272-2009.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.

A handwritten signature in black ink, appearing to read 'RSL', is positioned above the printed name.

Renee S. Luebke
Primary Patent Examiner
October 29, 2007